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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,288	11/21/2003	Steven R. Sedlmayr	AUO1012	2140

7590 11/29/2005
Law Office of Roxana H. Yang
P.O. Box 400
Los Altos, CA 94023

EXAMINER

FINEMAN, LEE A

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AKC

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/719,288

Applicant(s)

SEDLMAYR, STEVEN R.

Examiner

Lee Fineman

Art Unit

2872

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

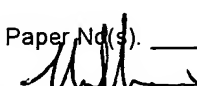
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


MARK A. ROBINSON
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: the claims as finally rejected do not distinguish the claimed system/method from the cited prior art.

Applicant argues that the new matter rejections under 35 USC 112, first paragraph is inappropriate because the specification and drawings inherently disclose all the elements of the claims, including specifically [b] [v] means for combining more than two altered separate primary color beams of light into a single collinear beam of light without previously subcombining any plurality of the altered separate primary color beams and [d] [i] and [ii] which state each altering means being disposed at a first path length from the illumination subsystem, the first path length being equal for each of the altering means; and each of the altering means being disposed at a second path length from the projection subsystem, the second path length being equal for each of the altering means by stating that the dichroic mirrors 90 & 92 (fig. 8c) can be replaced by the dichroic combiner 93 (fig. 8D). The examiner respectfully disagrees and reminds the applicant that for something to be inherently taught, it must always be that way. Clearly as demonstrated by figs. 8B and 8C a dichroic combiner can be used without equal path lengths. Therefore there is no inherent teaching of equal path lengths and simultaneous combining of the light beams. Further, even if one did just replace the mirrors 90 & 92 with a combiner 93 in fig. 8C, all the path lengths would now not be equal.

Applicant also argues that Kurematsu does not teach equal path lengths because with a cross dichroic prism at least some of the light of one color has a longer path than some of the light of the other colors. If this is the case, then the applicant's disclosure must further teach away from having equal beam paths when using a dichroic combiner (for simultaneous combining) because these elements also provide a cross prism where part of the paths is longer. If you take the average path as shown in both the drawings of the instant application and Kurematsu, the paths for all colors are equal. Therefore the rejection is appropriate.